

## EXHIBIT I

Sutro Tower  
Discretionary Review Policy

## SAN FRANCISCO

## CITY PLANNING COMMISSION

## RESOLUTION NO. 11399

WHEREAS, It has come to the attention of the City Planning Commission (hereinafter "Commission") that there is substantial public concern surrounding the issue of electromagnetic radiation in San Francisco and, more specifically, that a locus of this concern is the Mt. Sutro Television and Radio Tower; and

WHEREAS, On March 10, 1966, the Commission passed Resolution No. 5967, authorizing a Conditional Use pursuant to Application No. CU66.10 for a (television and radio) "transmission tower and building" on the property described as 250 Palo Alto Avenue, Lot 3 in Assessors Block No. 2724; and

WHEREAS, Said Resolution No. 5967 indicates that "(t)he applicant (will) make the proposed tower available for other broadcasters, present and future, in conformity with a Federal Communications Commission requirement to this effect"; and

WHEREAS, Condition 2. of Resolution No. 5967 states "(o)nly two new structures, namely, a single transmitter tower and a building to house incidental machinery, shall be erected thereon, in general conformity with the plans and exhibits filed with this application()"; and

WHEREAS, On December 9, 1987, Plant Builders, on behalf of Sutro Tower, Inc., owner, filed Building Permit Application (hereinafter "BPA") No. 8717463 for expansion of the transmission building at the base of Sutro Tower, which addition was intended to accommodate the transmission equipment for two more television stations (in addition to the nine stations already broadcasting from said tower); and

WHEREAS, Upon consideration of BPA No. 8717463, the Department of City Planning (hereinafter "Department") determined that the proposed expansion of the transmission building constituted an addition not in general conformity with the plans and exhibits as established in Application No. CU66.10, and therefore required a Conditional Use approval; and

WHEREAS, On June 16, 1988, the City Planning Commission conducted a duly noticed public hearing on Conditional Use Application No. 88.313C which application requested "expansion of an existing television transmission building and addition of antennae to the Sutro Tower in a manner not specifically authorized under the conditional use for a television transmission building and antenna tower approved in 1966 by City Planning Commission Resolution No. 5967 in an RH-1(D)(House, One-Family Detached Dwelling) district()"; and

WHEREAS, Under the provisions of City Planning Code (hereinafter "Code") Section 303, the Commission may authorize a conditional use only after holding a duly noticed public hearing and making findings that the proposed use will provide a development that is necessary or desirable for and compatible with

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the neighborhood or the community, that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use will comply with the applicable provisions of the Code, and will not adversely affect the Master Plan; and

WHEREAS, The Commission received a considerable amount of testimony at said public hearing on Application No. 88.313C which testimony was rendered in such a way as to create an aura of doubt and uncertainty as to the safety of exposure to electromagnetic radiation; and

WHEREAS, Also on June 16, 1988, pursuant to the aforementioned hearing, the Commission adopted (minus a written draft motion so indicating) by a unanimous vote (with Commissioners Engmann and Wright absent) a motion of intent to disapprove Application No. 88.313C on the basis that, in the face of testimony received regarding the possible health hazards resulting from long-term exposure to electromagnetic radiation, it (the Commission) could not, with clear conscience, make the required Code Section 303 finding that the use proposed therein would "not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity" and, accordingly, continued consideration of the matter for one week to allow the Department time to prepare the requisite written motion of disapproval; and

WHEREAS, During the intervening week, the applicant of Application No. 88.313C withdrew said application, ostensibly to avoid the Code-stipulated one-year waiting period for reapplication for disapproved conditional use (and other) requests; and

WHEREAS, This withdrawal preempted the Commission from completing its intended action, rendered the issue of disapproval a moot point, and left the Commission, without a vehicle for a written expression of its concern over this matter; and

WHEREAS, Condition 4. of the aforementioned Commission Resolution No. 5967 is "Final plans for the tower and building shall be prepared in consultation with the Department of Public Works, and during the preparation of said plans landscaping and site development plans shall be similarly prepared in consultation with the Department of City Planning. All of these plans shall be reviewed and approved by the City Planning Commission prior to the filing of any building permit application()" (emphasis added);

THEREFORE BE IT RESOLVED, That this Commission does hereby express its concern regarding the safety considerations of electromagnetic radiation;

AND BE IT FURTHER RESOLVED, That the Commission finds that the public necessity, convenience and general welfare require that the Commission adopt, pursuant to the language contained in Condition 4. of Commission Resolution No. 5967 as recited above, a policy of discretionary review over any and all building permit applications regarding the Sutro Tower, its transmission equipment building or any other part of its site (Lot 3 in Assessor's Block 2724).

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I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on July 14, 1988.

Lori Yamauchi  
Secretary

AYES: Commissioners Bierman, Boldridge, Dick, Engmann and Johnson

NOES: None

ABSENT: Commissioners Hu and Morales

ADOPTED: July 14, 1988

LJM/369

J

## ATTACHMENT 2

RESOLUTION NO. 1160

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD GRANTING AN APPEAL BY MARY WORLEY AND OTHERS OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 92-17 ON AN APPLICATION OF NANCY PATTERSON FOR PACTEL CELLULAR TO PERMIT ADDITIONAL ROOF-TOP MICROWAVE ANTENNAS AND CELLULAR ANTENNAS AT AN UNSTAFFED CELLULAR TELEPHONE FACILITY LOCATED AT 8899 BEVERLY BOULEVARD, WEST HOLLYWOOD.

The City Council of the City of West Hollywood does hereby find, resolve, and order as follows:

Section 1. An application was filed by Nancy Patterson for Pactel Cellular to permit the installation of additional roof-top antennas at an unstaffed cellular telephone facility located at 8899 Beverly Boulevard.

Section 2. A public hearing was called, noticed and held and the Planning Commission approved the request at its regular meeting of January 21, 1993.

Section 3. An appeal of the Planning Commission's decision was filed by Mary Worley and others due to health concerns. A public hearing was called, noticed and held and the City Council considered the appeal at its regular meetings of April 19, 1993 and June 3, 1993.

Section 4. Pursuant to Section 9537 of the West Hollywood Municipal Code, the City Council cannot approve an application for a Conditional Use Permit unless it finds, among other things, that the proposed use would not be detrimental to the public health or safety. At the hearing, the Council heard considerable testimony regarding potential health risks of the proposed use. Thereafter, the Council found as follows:

a. Based on the testimony of Mary Worley and submitted documents referencing various studies, the City Council determined that the installation of additional roof-top microwave antennas and cellular antennas may be detrimental to the public health and safety.

b. That evidence put forth by the applicant and others

in support of the project was inconclusive because no  
witness or evidence presented concluded that the  
proposed use of the property was safe.

Section 5. Based on the foregoing, the City Council  
grants the appeal and hereby denies Conditional Use Permit  
92-17.

PASSED, APPROVED AND ADOPTED ON THIS 6th DAY OF July,  
1993.

Sal Guernillo  
MAYOR

ATTEST:

Thary J. ...  
CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )  
CITY OF WEST HOLLYWOOD )

I, MARY TYSON, CITY CLERK OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution No. 1160 was duly and regularly introduced, approved and adopted by the City Council of the City of West Hollywood at a regular meeting of said Council held at the regular meeting place thereof on the 6th day of July, 1993, by the following vote:

**AYES:** **COUNCILMEMBERS:** **KORETZ, LANG, AND**  
**MAYOR GUARRIELLO.**

**NOES: COUNCILMEMBERS: LAND AND HEILMAN.**

**ABSTAIN: COUNCILMEMBERS: NONE.**

**ABSENT: COUNCILMEMBERS: NONE.**

WITNESS MY HAND AND OFFICIAL SEAL THIS 7TH DAY OF JULY, 1993.

MARY TYSON, CITY CLERK

K



RESOLUTION NO. 1161

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD GRANTING AN APPEAL BY MARY WORLEY AND OTHERS OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 92-19, ON AN APPLICATION OF NANCY PATTERSON FOR PACTEL CELLULAR TO PERMIT ADDITIONAL ROOF-TOP MICROWAVE ANTENNAS AND CELLULAR ANTENNAS AT AN UNSTAFFED CELLULAR TELEPHONE FACILITY LOCATED AT 8228 SUNSET BOULEVARD, WEST HOLLYWOOD.

The City Council of the City of West Hollywood does hereby find, resolve, and order as follows:

Section 1. An application was filed by Nancy Patterson for Pactel Cellular to permit the installation of additional roof-top antennas at an unstaffed cellular telephone facility located at 8228 Sunset Boulevard.

Section 2. A public hearing was called, noticed and held and the Planning Commission approved the request at its regular meeting of February 18, 1993.

Section 3. An appeal of the Planning Commission's decision was filed by Mary Worley and others due to health concerns. A public hearing was called, noticed and held and the City Council considered the appeal at its regular meetings of April 19, 1993 and June 3, 1993.

Section 4. Pursuant to Section 9537 of the West Hollywood Municipal Code, the City Council cannot approve an application for a Conditional Use Permit unless it finds, among other things, that the proposed use would not be detrimental to the public health or safety. At the hearing, the Council heard considerable testimony regarding potential health risks of the proposed use. Thereafter, the Council found as follows:

a. Based on the testimony of Mary Worley and submitted documents referencing various studies, the City Council determined that the installation of additional roof-top microwave antennas and cellular antennas may be detrimental to the public health and safety.

b. That evidence put forth by the applicant and others

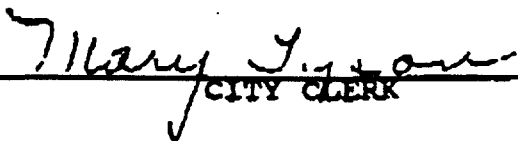
in support of the project was inconclusive because no witness or evidence presented concluded that the proposed use of the property was safe.

Section 5. Based on the foregoing, the City Council grants the appeal and hereby denies Conditional Use Permit 92-19.

PASSED, APPROVED AND ADOPTED ON THIS 6th DAY OF July, 1993.

  
MAYOR

ATTEST:

  
CITY CLERK

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES   )  
CITY OF WEST HOLLYWOOD   )

I, MARY TYSON, CITY CLERK OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution No. 1161 was duly and regularly introduced, approved and adopted by the City Council of the City of West Hollywood at a regular meeting of said Council held at the regular meeting place thereof on the 6th day of July, 1993, by the following vote:

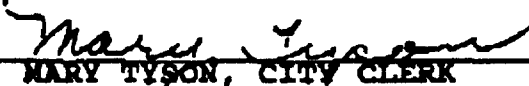
AYES:           COUNCILMEMBERS:   KORETZ, LANG, AND  
  MAYOR GUARRIELLO.

NOES:           COUNCILMEMBERS:   LAND AND HEILMAN.

ABSTAIN:       COUNCILMEMBERS:   NONE.

ABSENT:        COUNCILMEMBERS:   NONE.

WITNESS MY HAND AND OFFICIAL SEAL THIS 7TH DAY OF JULY, 1993.

  
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MARY TYSON, CITY CLERK

L

1. Station Call Letters: KBVU

2. Station Class (AM, FM or TV): TV EXHIBIT L

3. City and State: EUREKA, CALIFORNIA

4. Provide information on the specific rule(s) and/or regulation(s) that delayed and/or prevented the construction/operation of the station facilities described above. Please attach a copy of the applicable state or local rule(s) or regulation(s) to this sheet.

SEE ATTACHMENT

5. Describe the effect of the rule(s) or regulation(s) on your efforts to build or improve station facilities.

SEE ATTACHMENT

6. Station Contact Name: CHESTER SMITH  
Telephone No.: 209 523-0777

Title: GENERAL PARTNER  
FAX No.: 209 523-0898

4.

We had proposed a new tower at the antenna farm, where all existing TV stations operate on a remote mountain using a 5 kW UHF transmitter, but the Planning Commission unanimously denied our application for a use permit since some 35 residents showed up to complain about the radiation. It was rather interesting that when the Commission was asked by our representative whether or not they would reconsider the application, provided that the FCC approved the additional radiation from the antenna farm using the ANSI standards, they rejected that possibility and stated it would make no difference. This was apparently because a lady from a San Francisco environmental group had testified before them that the ANSI standards had been devised by a "former Nazi" and as such were meaningless.

5.

Subsequently, in order to save the permit for the station, we accepted a substandard tower that was already constructed with a kW transmitter to cover the city of Eureka with a city grade coverage. Now in order for viewers to receive KBVU it is necessary to turn their antenna, since we are out of synch with the other stations.